

Failure to Reply

The reply filed on October 17, 2008 is not responsive to the prior Office Action because: the office action mailed on April 17, 2008 objected to the lack of clarity of Figures 2 and 3 since Figures 2 and 3 are describing the claimed invention. The following Remarks filed by applicant on October 17, 2008 on page 7, lines 10-12:

With respect to the drawing objections to FIGS 2 and 3, the undersigned is endeavoring to address the objections and will do so prior to or upon receiving an indication of allowable subject matter.

show that the omission was deliberate which is inappropriate since the issue cannot be deferred and requires an immediate response.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Conclusion

Art Unit: 2883

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIN D. CHIEM whose telephone number is (571)272-3102.

The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erin D Chiem/
Examiner, Art Unit 2883
/edc

/Frank G Font/
Supervisory Patent Examiner, Art Unit 2883